

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

STATE OF MISSOURI, ex rel.)	
Chris Koster, and the)	
MISSOURI DEPARTMENT OF)	
NATURAL RESOURCES,)	
MISSOURI STATE EMERGENCY)	
MANAGEMENT AGENCY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 11-CV-00067-SNLJ
)	
UNITED STATES ARMY CORPS)	
OF ENGINEERS, MAJOR)	
GENERAL MICHAEL J. WALSH,)	
COLONEL VERNIE L. REICHLING,)	
JR.,)	
Defendants.)	

UNOPPOSED MOTION TO INTERVENE

NOW COMES the State of Illinois, by the authority of LISA MADIGAN, the Attorney General of the State of Illinois and pursuant to Federal Rule of Civil Procedure 24, and moves to intervene in this action. In support of this Motion, Illinois contemporaneously files its Memorandum of Law, including supporting affidavits.

If granted, the relief requested by Missouri will prevent the implementation by the Army Corps of the Floodway Operations Plan and will necessarily result in injury to numerous communities in southern Illinois. If the levees protecting Cairo are breached, water levels in the City will rise 18 to 20 feet, directly threatening approximately 3000 residents. Wilson Aff. ¶ 5. The flooding that will result as a consequence of an injunction against the Army Corps will devastate Cairo and other communities. Intervention pursuant to Rule 24 will allow Illinois to provide evidence to assist the Court so that all interests may be considered.

For the foregoing reasons, Illinois requests that this Court grant it leave to intervene as of right or, in the alternative, permissively.

Respectfully submitted,
LISA MADIGAN
Attorney General of Illinois

MATTHEW J. DUNN, Chief
THOMAS DAVIS, Chief
Environmental Enforcement/ Asbestos
Litigation Division

BY: /s/ Rex L. Gradeless
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STATE OF MISSOURI)
)
 Plaintiff,)
)
 vs.) No. 11-CV-00067-SNLJ
)
 UNITED STATES ARMY CORPS)
 OF ENGINEERS,)
)
)
 Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2011, I electronically filed the foregoing Unopposed Motion To Intervene with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that on April 28, 2011, I mailed by United States Postal Service, the document to the following nonregistered participant:

None

Respectfully submitted,

By: /s/Rex L. Gradeless
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